

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff, :
v. : : Criminal Action No. 05-39-GMS
: :
JEFFREY BENTLEY, :
: Defendant. :
:

MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS

Defendant Jeffrey Bentley, by and through his undersigned counsel, Eleni Kousoulis, hereby moves the Court pursuant to Federal Rule of Criminal Procedure 45(b) and Local Rule 5(a) for an order enlarging the time within which pretrial motions may be filed. In support of this motion the Defendant submits as follows:

1. Pre-trial motions for this case are due by July 29, 2005.
2. On July 1, 2005, the Court granted a previous motion to extend time to file pre-trial motions filed by defense counsel to give the parties time to discuss a possible non-trial disposition that would obviate the need to file pre-trial motions.
3. Anne Park, Esq. was the Assistant United States Attorney initially assigned to this case. Defense counsel has been in negotiations with Ms. Park with regard to a possible non-trial disposition in this case. Prior to filing pre-trial motions, defense counsel has been waiting for Ms. Park to get back to her with regard to certain issues surrounding the possible non-trial disposition.
4. It has just come to defense counsel's attention that Ms. Park has left the U.S.

Attorneys' Office and that Mr. Bentley's case had been re-assigned to Ferris Wharton. Mr. Wharton is out of the office until August 2, 2005, so defense counsel will not be able to speak to Mr. Wharton until after that date to determine where things stand with regard to the non-trial disposition.

5. If this case is able to be resolved by way of a non-trial disposition, then pre-trial motions will not need to be filed.

6. Defense counsel requires additional time to be able to speak with Mr. Wharton before it can be determined whether or not pre-trial motions need to be filed in this case.

7. As stated previously, Mr. Wharton is out of the office until August 2, 2005. Therefore, defense counsel has not been able to speak to Mr. Wharton to determine the government's position on this motion.

8. Defense counsel agrees to waive, pursuant to the Speedy Trial Act, any additional time given in which to file pre-trial motions.

WHEREFORE, it is respectfully requested that the time for Defendant to file pre-trial motions be extended to any time after August 17, 2005.

Respectfully Submitted,

/s/ Eleni Kousoulis
Eleni Kousoulis, Esquire
Assistant Federal Public Defender
First Federal Plaza
704 King Street, Suite 110
Wilmington, Delaware 19801
Attorney for Defendant Jeffrey Bentley

Dated: July 25, 2005

CERTIFICATE OF SERVICE

Undersigned counsel certifies that a copy of Defendant's Motion to Extend Time to File Pretrial Motions is available for public viewing and downloading and was electronically delivered on July 25, 2005, to:

Ferris Wharton, Esquire
Assistant U.S. Attorney
1007 Orange Street
Suite 700, P.O. Box 2046
Wilmington, DE 19899-2046

/s/ Eleni Kousoulis

Eleni Kousoulis, Esquire
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DATED: July 25, 2005